

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC M. ROBINSON,

Plaintiff,

vs.

BRAD JOHNSON, WILLIAM
MCGLOTHLIN, SHELBY NELSON,
GEORGITTA SHAW, JAMIE
CARTWRIGHT, and MIKE MUELLER,

Defendants.

8:19CV123

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Eric M. Robinson's response ([filing 17](#)) to the court's June 18, 2020 Memorandum and Order ([filing 14](#)) directing Robinson to update his address with the court. Robinson represents that his address has not changed since he last provided his contact information to the court in Case No. 8:19CV43 and it is unclear why mail addressed to his current address is being returned as undeliverable. Robinson also notes that he has not "seen none of the orders sent to my 'pauls pauls40@gmail.com' as [he] requested."¹ ([Filing 17.](#))

The court dismissed this matter without prejudice on June 30, 2020, because Robinson had not updated his address by the June 29, 2020 deadline "*or taken any other action in this matter.*" ([Filing 15](#) (emphasis added).) The court conducted an initial review of Robinson's Complaint ([filing 1](#)) back on April 16, 2020, determined that the Complaint failed to state a plausible claim for relief, and

¹ Robinson did not submit a request for e-filing rights which would allow him to receive electronic notice of filings in this case. To obtain electronic filing access, Robinson would need to follow the instructions outlined in NEGenR [1.3](#)(b) for registering for CM/ECF access through PACER.

gave Robinson 30 days to file an amended complaint. ([Filing 8](#).) The court also required Robinson to update his address within 30 days as the court had received notice that Robinson had been released from incarceration. On May 11, 2020, Robinson gave notice of his current address in 19CV43 and filed an amended habeas petition in that case in accordance with the court's April 14, 2020 Memorandum and Order. Robinson indicated that he "was unable to recieve [sic] the April 14 2020 order at the jail, but found it online." ([Filing 27 at CM/ECF p. 87](#), Case No. 8:19CV43.) In light of Robinson's filing in 19CV43, the court, on its own motion, updated Robinson's address in the present case and re-sent copies of the court's Memorandum and Order on initial review of Robinson's Complaint and gave him until June 29, 2020 to file an amended complaint. ([Filing 11](#).) To this date, Robinson has not filed an amended complaint.

While it appears that Robinson did not receive via mail a copy of the court's April 16, 2020 and May 29, 2020 orders giving him leave to file an amended complaint, it is clear that Robinson was capable of checking the status of his case via alternate means, as he did with 19CV43, yet he made absolutely no effort to do so. In fact, Robinson did not even notify the court of his new address with respect to the present case until July 1, 2020, approximately 3 months after he was released from incarceration (*see* [filing 9](#)) and after the court had dismissed the matter. *See* NEGenR [1.3](#)(e) and (g) (requiring pro se parties to adhere to local rules and inform the court of address changes within 30 days). Given the circumstances, the court will leave its Memorandum and Order and Judgment in place and this matter remains dismissed without prejudice. Robinson is free to file a new civil case if he still wishes to pursue the claims raised in this matter.

IT IS THEREFORE ORDERED that:

1. This matter remains dismissed without prejudice.

2. The clerk of the court is directed to send to Robinson a copy of the court's April 16, 2020 Memorandum and Order ([filing 8](#)), a form civil complaint, and application to proceed in forma pauperis. If Robinson chooses to file a new action to pursue the claims raised in his Complaint, he is encouraged to use the enclosed forms.

Dated this 8th day of July, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge